

CALLAHAN & FUSCO, LLC
Charles J. Reiter (CJR-2915)
Attorneys for Defendants
FEDEX GROUND SYSTEM, INC., i/s/h/a
FED EX GROUND, INC., and ELVIS P. SANCHEZ
72 Eagle Rock Avenue, Suite 320
East Hanover, New Jersey 07936
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESSENIA APONTE,

Plaintiff,

v.

FED EX GROUND, INC., and
ELVIS P. SANCHEZ,

Defendants.

:
: **ECF CASE**
:

:
: **Docket No.:**
: **11-CV-05347 (GBD)(KNF)**
:

:
: **STIPULATION & ORDER**
: **OF REMOVAL AND**
: **TRANSFER TO NEW YORK**
: **STATE SUPREME COURT**
: **(BRONX COUNTY)**
:

WHEREAS Plaintiff, by Summons and Verified Complaint, dated March 31, 2011, commenced an action against Defendants, herein, in the Supreme Court of the State of New York, Bronx County, bearing Index Number: 302887/11, a copy of which is annexed hereto as **Exhibit "A"**;

WHEREAS Defendants, by Notice and Petition of Removal, dated July 28, 2011, a copy of which (with attached exhibits) is annexed hereto as **Exhibit "B,"** sought removal of the Plaintiff's State Court action to the United States District Court, Southern District of New York, on the grounds that Plaintiff's Verified Complaint, specifically the Third Cause of Action, thereof, presented a Federal Question;

WHEREAS Defendants' Notice and Petition of Removal having been granted by this Court, on August 1, 2011, and Plaintiff's State Court action having been removed to

the United States District Court, Southern District of New York, being assigned Civil Action Docket Number: 11-CV-05347, and said matter having been assigned to the Judge George B. Daniels, U.S.D.J.;

WHEREAS Defendants having filed and served an Answer to the Plaintiff's Verified Complaint, dated August 4, 2011, a copy of which is annexed hereto as Exhibit "C";

WHEREAS Plaintiff, by Consent to Change Attorney, dated August 4, 2011, a copy of which is annexed hereto as Exhibit "D," retained new counsel, to wit: The Law Offices of Todd A. Restivio, P.C., 100 Quentin Roosevelt Blvd., Suite 105, Garden City, New York 11530, which said counsel was substituted as attorney of record in place and stead of Plaintiff's original counsel, The Law Office of Michael T. Ridge;

WHEREAS Plaintiff, by newly retained counsel, served an Amended Summons and Amended Verified Complaint, dated August 5, 2011, a copy of which is annexed hereto as Exhibit "E";

WHEREAS Plaintiff's Amended Verified Complaint no longer sets forth allegations which present a Federal Question, an agreement has been reached between counsel for Plaintiff and Defendants;

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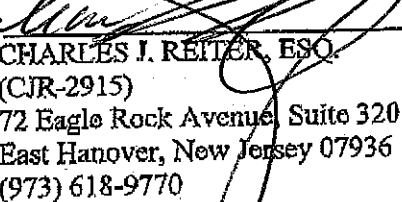
IT IS HEREBY STIPULATED AND AGREED that this action is hereby removed from the United States District Court, Southern District of New York, and is hereby transferred back to the Supreme Court of the State of New York, Bronx County, under the previously assigned New York Supreme Court, Bronx County, Index Number: 302887/11.

Dated: New York, New York
September 30, 2011

LAW OFFICES OF TODD A. RESTIVO, P.C.
Attorneys for Plaintiff

CALLAHAN & FUSCO, LLC
Attorneys for Defendants
FEDEX GROUND PACKAGE
SYSTEM, INC., i/s/h/a FED EX
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By: 
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So Ordered:

Hon. George B. Daniels, USDJ